



**NEBRASKA DEPARTMENT OF AGRICULTURE ORDER
No. 04142020**

As of March 26, 2020, the United States Food and Drug Administration (FDA) issued a Temporary Policy Regarding Nutrition Labeling of Certain Packaged Food during the COVID-19 Public Health Emergency (Nutrition Labeling Guidance). FDA issued this Nutrition Labeling Guidance to provide restaurants and food manufacturers with flexibility regarding nutrition labeling so that they can sell certain packaged foods during the COVID-19 pandemic. On April 3, 2020, FDA issued a Temporary Policy Regarding Packaging and Labeling of Shell Eggs Sold by Retail Food Establishments during the COVID-19 Public Health Emergency (Egg Guidance).

As a result of FDA's Nutrition Labeling Guidance and Egg Guidance, the Nebraska Department of Agriculture (NDA) will allow food establishments to sell food which complies with these guidance documents as an exercise of its enforcement discretion of the Nebraska Pure Food Act, Neb. Rev. Stat. §§81-2,239 to 81-2,292.

NDA will also use its enforcement discretion to allow food establishments to sell food and other related items which do not meet all of the requirements of the Uniform Packaging and Labeling Regulation and the Uniform Regulation for the Method of Sale of Commodities adopted by reference in the Weights and Measures Act, Neb. Rev. Stat. §§89-182.01 to 89-1,103, so long as the food and items being sold are not being sold in a deceptive or misleading manner.

This action is necessary to protect the interests of Nebraska citizens as a result of the COVID-19 pandemic and will remain in effect until rescinded.

Dated the 14th day of April, 2020.

DEPARTMENT OF AGRICULTURE

A handwritten signature in black ink that reads "Steve Wellman".

Steve Wellman
Director